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In re Application of :
Stacey Ann Jones et al. :
Application No. 10/572,974 : DECISION ON PETITION
Filed: March 22, 2006 : PURSUANT TO
Atty Docket No. PR60397USw : 37 C.F.R. § 1.181(A)
Title: COMPOSITIONS AND :
METHODS FOR TREATMENT OF :
FIBROSIS :
:

This is a decision on the petition pursuant to 37 C.F.R. § 1.181(a), filed on October 22, 2008, requesting that the holding of abandonment be withdrawn.

A restriction requirement was mailed on September 4, 2007, and a response was received on December 4, 2007 along with a two-month extension of time so as to make timely this submission, however this response was deemed to be non-responsive. The above-identified application became abandoned for failure to file a proper response to the notice of non-responsive reply (notice), mailed December 26, 2007, which set an extendable period for reply of one month. No response was received, and no extensions of time under the provisions of 37 C.F.R. § 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on January 27, 2008. A Notice of abandonment was mailed on July 9, 2008.

Applicants have asserted that the mailing was not received, and have included a copy of the individual docket report that is associated with this application, along with copies of notifications received from the Office during the relevant time period. Petitioner has further stated that the file jacket and the application contents were reviewed, and this search supports a conclusion that the e-notification was not sent.

It is noted that Applicants participate in the e-Office Action Pilot Program. Office records confirm that there was an irregularity in the sending of the e-notification.

Specifically, USPTO computer records confirm that the notification for the notice of December 26, 2007 did not process correctly and was not sent to Applicants. It is noted that Applicants were under the electronic delivery system at all times relevant to this decision and thus, a paper copy of the notice was never mailed.

Accordingly, this petition pursuant to 37 C.F.R. § 1.181(a) is GRANTED. The holding of abandonment is WITHDRAWN.

No fee is required on petition pursuant to 37 C.F.R. § 1.181(a).

The Technology Center will be notified of this decision, and jurisdiction over this application is transferred to the Technology Center, so that the application may receive further processing. The Technology Center will re-mail the notice of December 26, 2007, and will set a new period for response.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the present decision to ensure that the withdrawal of the holding of abandonment has been acknowledged by the Technology Center in response to this decision. It is noted that all inquiries with regard to any failure of that change in status should be directed to the Technology Center where that change of status must be effected - the Office of Petitions cannot effectuate a change of status.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3225. Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner

is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.

All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions